

from page 13, line 14 to page 14, line 8. Additionally, an example of a flexibility retainability performance test is described from page 14, line 9 to page 15, line 1. Thus, claim 1 is not indefinite as the limitations are properly recited. Claims 2-21 depend from claim 1 and are patentable for at least the same reasons as claim 1. Applicants respectfully request that the objection be withdrawn.

IV. Rejections Under 35 U.S.C. 103

Claims 1-2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,380,571 to Ozawa et al. (“Ozawa”) in view of the Examiner’s knowledge of ordinary skill in the art. The Examiner states that Ozawa teaches tubes having inner and outer layers of polyester elastomers. The Examiner admits that Ozawa fails to teach the properties recited in claim 1 but contends that it would have been obvious at the time the invention was made to employ polyesters having suitable physical properties in the Ozawa tubes in order to tailor the tube’s properties to the use for which they are intended. Applicants respectfully traverse the rejection.

Amended claim 1 recites “a heat-resistant plastic tube comprising: a polyester-based elastomer including at least one of a polyester-polyester block copolymer with a hard segment component and a soft segment component and a polyester-polyether block copolymer with a hard segment component and a soft segment component.” Ozawa neither discloses nor suggests a plastic tube including the chemical compositions recited in claim 1. Thus, claim 1 is not obvious in view of Ozawa. Claim 2 depends from claim 1 and should be patentable for at least the same reasons as claim 1.

Claims 1-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,294,234 to Kertesz in view of the Examiner's knowledge of ordinary skill in the art. The Examiner states that Kertesz discloses all of the features of the invention except the properties recited in claim 1. The Examiner contends that it would have been obvious at the time the invention was made to employ polyesters having suitable physical properties in the Kertesz tubes in order to tailor the tube's properties to the use for which they are intended. Applicants respectfully traverse the rejection.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Further, if claims 1-21 are passed to allowance, Applicants respectfully request that claims 22-26 be rejoined and also passed to allowance. However, if there are any questions regarding this amendment, or the application in general, a telephone call to the undersigned would be appreciated since this would expedite the prosecution of the application for all concerned.

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Respectfully submitted,

By

Louis J. DelJudice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(206) 262-8900

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant